

September 2009

Farmers: New Requirements Under the General Nutrient Management Regulation

On September 18, 2009, the General Nutrient Management Regulation (O. Reg 267/03), under the Nutrient Management Act, 2002 (NMA), was amended to make changes to the regulatory framework for non-agricultural source materials (NASM). The changes were made to introduce risk-based standards for the agricultural land application of NASM and to enhance environmental protection by strengthening and clarifying the rules around the beneficial use of this material.

The requirements will take effect in two stages. Stage 1 changes will take effect immediately upon filing of the regulation and consists of general requirements that establish the framework. The general requirements are needed to transition to the requirements of the new system for managing NASM which take effect at stage 2 on January 1, 2011. Transition periods are also outlined within the regulation to assist in moving from the current framework of approvals to the new requirements.

What are Non-agricultural Source Materials?

NASM are materials from non-agricultural sources that can be applied to land to improve the growing of agricultural crops. They include materials such as sewage biosolids, pulp and paper biosolids and residues from food processing.

Land application and approval requirements will be based on the type of material land applied, the level of metals and pathogens and odour potential of the material. Three categories of NASM have been established under the regulation based on the quality of the material. The Ministry of the Environment (MOE) and the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) have established these categories based on similar material characteristics and over 30 years of experience with the land application program.

HIGHLIGHTS

- New NASM Plan requirement
- Removal of Certificate of Approval
- New soil testing requirements
- Receipt of material testing from generator for NASM Plan preparation
- Maintain strong compliance and enforcement activities

Materials such as washwaters from cheese factories that qualify as a nutrient and do not

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contain human body waste, are subject to the same land application requirements as those required for liquid manure, i.e., limited application is allowed during the winter. If the materials do not meet the nutrient criteria then an alternative disposal method must be found that may require approvals under the Environmental Protection Act (EPA), the Ontario Water Resources Act or Ontario Building Code such as cheese washwaters which may be disposed of at a sewage treatment plant or through an onsite treatment system.

Regulatory Changes to the Management of NASM

Changes to the General Waste Management Regulation 347, under the EPA, and O. Reg. 267/03 will be introduced in two stages. Key changes that will affect farm operations as of January 1, 2011 include:

- OMAFRA will assume responsibility for the issuance of approvals, where required, for NASM application to agricultural land.
- Agricultural operations will require a NASM Plan for fields where Category 2 and 3 NASM are applied.
- Generators of NASM will provide agricultural operations receiving NASM with copies of analysis of the nutrient.
- The MOE will no longer issue Organic Soil Conditioning Site Certificates of Approval for NASM.

NASM Plan Approvals and Registration

In place of Organic Soil Conditioning Site Certificates of Approval previously issued by MOE, the new NASM framework introduces a new type of instrument called a NASM Plan, similar in design to the NMA's existing Nutrient Management Plans (NMP). However, unlike existing NMPs, a NASM Plan deals only with the fields where NASM is applied and not the whole farm unit. Further, receipt of NASM does not phase a farm into the requirement to prepare a Nutrient Management Strategy.

Not all fields where NASM is applied will require a NASM Plan. Category 1 materials such as vegetable culls will not require a NASM Plan, and will instead follow a maximum application rate set out in regulation. However, a NASM Plan for Category 2 with low metal content materials must be registered with OMAFRA and a NASM plan for Category 2 with higher metals and Category 3 materials must be approved by OMAFRA.

NASM Plan Preparer Certification

NASM Plans have to be prepared by a certified plan preparer. To be eligible for certification, individuals must take a NASM Plan Preparers course offered by OMAFRA, must complete the necessary assignments and must pass an exam.

For dates and times of scheduled courses, visit www.ontario.ca/nasm-omafra. To register for an upcoming course, call the Nutrient Management toll-free information line at 1-866-242-4460.

Soil Testing

To complete a NASM Plan, it is necessary to test the soil in order to know the concentrations of nutrients and other parameters in the soil. The farmer or certified plan preparer must collect and have tested soil samples from the land application area. Results of analysis for metal concentrations and pH will determine the acceptability of the site for receiving the Category 2 or 3 NASM. The analysis results from these samples are used to prepare the NASM Plan. Where Category 1 NASM is being applied at a rate greater than 20 tonnes/ha in a calendar year, the soil must be tested for soil pH, phosphorus and potassium. Knowing the nutrient concentration in the soil, combined with results from material testing, will guide the application of nutrient containing materials for agronomic and environmental benefit.

NASM Testing

Farmers must receive NASM testing results from NASM generators for Category 2 and Category 3 materials, prior to the receipt of NASM, for the preparation of the NASM Plan or for Category 1 NASM where the farmer intends to apply more than 20 tonnes of Category 1 NASM per hectare/year.

NASM generators are responsible for sampling and analysis of the material to ensure it meets all quality standards outlined in the regulation. Category 1 materials do not require sampling and analysis, unless the material is intended to be spread at a rate that exceeds 20 tonnes per hectare/year. Category 2 and 3 materials require testing for metals and possibly other parameters (e.g., fats, oils & grease, sodium). All sampling and laboratory analysis must be done by a laboratory accredited for the particular analysis as set out in Parts IX and IX.1 of the regulation.

Compliance and Enforcement

The NMA and regulations made under it are jointly administered by MOE and OMAFRA. OMAFRA has responsibility for outreach and education, approvals and certification and training. MOE is responsible for compliance and enforcement. The MOE will continue to do proactive inspections and respond to complaints of NASM land application activities to ensure compliance with the new standards and protection of the environment.

Additional Information:

Additional information on NASM requirements is found on the websites of the Ministry of the Environment at www.ontario.ca/nasm-moe and the Ministry of Agriculture, Food and Rural Affairs at www.ontario.ca/nasm-omafra. Included are an Odour Guide, Sampling and Analysis Protocol, Nutrient Management Protocol and Nutrient Management Tables.

This fact sheet is for informational purposes. If there is a discrepancy between this fact sheet and the regulation, the regulation prevails.